

# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF WYOMING

CLAYTON WADE LEVEKE

Plaintiff

vs

Case Number: 21-CV-00162-NDF

HELENA INDUSTRIAL INCORPORATED ET  
AL

Defendant

## NOTICE OF ASSIGNMENT TO A UNITED STATES MAGISTRATE JUDGE AND CONSENT/REQUEST FOR REASSIGNMENT

In accordance with United States District Court for the District of Wyoming Administrative General Order 2014-03, and Fed.R.Civ.P. 73, you are notified that the above entitled action has been assigned to a United States Magistrate Judge to conduct all proceedings in this case, including trial, entry of final judgment, and all post-judgment proceedings. Exercise of this jurisdiction by a United States Magistrate Judge is permitted only if all parties file a written consent. **Indicate below if you consent to the assignment or request the case be reassigned to a District Court Judge.**

**Consent**☐**Reassignment**☐\_\_\_\_\_  
Party(s) represented\_\_\_\_\_  
Party(s) represented\_\_\_\_\_  
Attorney Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Attorney Signature\_\_\_\_\_  
Date

You are **required** to return this form to the Clerk's Office within fourteen (14) days from the filing of an answer or otherwise responsive pleading (i.e. a motion to dismiss). After completing this form, counsel are **required** to e-mail this completed form in pdf format by emailing it to: [consents@wyd.uscourts.gov](mailto:consents@wyd.uscourts.gov). Alternatively, the form may be mailed to the following address: U.S. District Court, 2120 Capitol Avenue, Room 2131, Attention: Consent Clerk, Cheyenne, Wyoming 82001. **Do not e-file this document.**

No Judge will be informed of a party's response to this notification, unless all parties have consented to the assignment of the matter to a United States Magistrate Judge.

An appeal from a judgment entered by a United States Magistrate Judge will be made directly to the United States Circuit Court of Appeals for the Tenth Circuit in the same manner as an appeal from any other judgment of this district. 28 U.S.C. § 636(c); Fed.R.Civ.P. 73.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING  
2014 AUG 26 AM 11 11

STEPHAN HARRIS, CLERK  
CHEYENNE

Direct Assignment of Civil Cases to  
Magistrate Judges

Administrative General Order 2014-03

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**Order**

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The Judicial Conference Committee on the Administration of the Magistrate Judges System has promulgated *Suggestions for Utilization of Magistrate Judges* (2012). In terms of basic suggestions, the Committee recommends each court establish a preference for assigning magistrate judges entire cases or entire phases of cases, rather than individual duties. This recommendation is intended to encourage and facilitate parties' consent to magistrate judges' decisional authority in civil cases. This recommendation is also based on the view that this method better utilizes judicial time and resources and allows the court to manage the civil docket more effectively. As an example, in instances where only discovery or procedural motions are referred to a magistrate judge, both the magistrate judge and the referring district judge must become familiar with the core legal and factual issues raised in the case and monitor the case's progress. This duplication of judicial resources is not ideal.


A practice adopted by a number of federal district courts to facilitate consent is to include magistrate judges on the civil case assignment wheel for direct assignment of cases upon filing, subject to subsequent consent of the parties to full adjudication of the case by the magistrate judge. As examples in the Tenth Circuit, New Mexico, Colorado and Utah have direct assignment of civil cases to magistrate judges.

Therefore, in consideration of the Committee's suggestions and observations, effective September 1, 2014, the Court will randomly assign civil cases to a full-time Magistrate Judge as the trial judge to preside over all non-dispositive and dispositive motions, evidentiary hearings and trial. These random assignments will exclude prisoner cases, cases seeking injunctive relief, and bankruptcy appeals. The Court will determine the percentage of civil cases to be assigned to each trial Magistrate Judge.

In those civil cases fully assigned to a Magistrate Judge, each party **shall** execute and mail to the Clerk's Office within fourteen (14) days from the filing of an answer or other responsive filing (i.e. a motion to dismiss) either a written consent to the exercise of authority by the full-time Magistrate Judge under 28 U.S.C. § 636(c), or a written election to have the action reassigned to a district judge.

Consent to a full-time Magistrate Judge's authority does not constitute a waiver of any jurisdictional defense unrelated to the grant of authority under 28 U.S.C. § 636(c).

Dated this 26 day of August, 2014.

  
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NANCY D. FREUDENTHAL  
CHIEF UNITED STATES DISTRICT JUDGE